(3)

PAGE NO. 01

CF(001)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION No.3095 /2005

PETITIONER : Smt. Urmila Singh W/o Shree Mahawat Singh, Aged about-40 years, Occupation- Assistant Teacher, Government Middle School, Adiwasi Vikas, Sundarpur, Block and Tahsil- Sonhat, District- Korea (Chhattisgarh).

VERSUS

RESPONDENTS :

1. The State of Chhattisgarh
Through : Secretary, Adwasi Vikas Mantralaya, D.K.S. Bhawan, Raipur (C.G.)

2. Assistant Commissioner, Adiwasi Vikas, Baikunthpur, District-Korea (C.G.).

3. Block Education Officer, Adiwasi Vikas, Sonhat Block and Tahsil- Sonhat, District- Korea (C.G.)

4. Collector, KOrea,
Baikunthpur, District-Korea (C.G.)

P.R. No. 3201/25
Presented by Shri Rajendra Dubey
dated 21/7/25

WRIT PETITION UNDER ARTICLES 226/227 OF CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRITS/ORDERS AND DIRECTION

(19)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 3095 **सन् 2005**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	22.7.2005 Shri Mahendra Dubey, counsel for the petitioner. Shri Akhil Agrawal, Panel Lawyer for the State/respondents No.1 to 4 on advance copy. **W.P.No.3095/2005** :- The petitioner who is a lady, has filed this petition challenging her transfer order dated 22.6.2005 by which she has been transferred from Government Middle School, Adiwasi Vikas, Sundarpur, Block and Tehsil-Sonhat, District-Korea to Adiwasi Pre-Metric Hostel, Sonhat, Tehsil-Sonhat, District-Korea. The submission of learned counsel for the petitioner is that husband of the petitioner is also working as Teacher in the Government Primary School, Sundarpur and according to the policy of the State Government, as far as possible, the husband and wife are to be kept at the same place. He also submits that the petitioner is having two children, aged about 12 and 14 years who are studying in the local school at Sundarpur. Therefore, it would not be possible for the petitioner to go to Sonhat and also to manage her family. He further submits that since the petitioner has been transferred on the post of Supervisor of Adiwasi Pre-Metric Hostel, Sonhat, she would be required to remain there 24 hours and it would be not possible for her to go from	

Date

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Sundarpur and attend her duties in village Sonhat. He prays for quashment of the order dated 22.6.2005 so that, the husband and wife may live at one place and may work comfortably.

Learned counsel for the State opposes this prayer. He submits that transfer is an exigency of service and nobody can claim for detaining at one place if he or she is holding a transferable post. The transfers can be interfered by the Courts only on the ground of malafides or extraneous considerations which are lacking in this case. He further submits that the policies are the guidelines and are not enforceable under the law.

I have heard learned counsel for the parties at length and have also perused the record filed along with the writ petition. True it is that the legal position is that the policies are not enforceable under the law but if any policy is framed by the State or any other statutory authority then certainly it has got some meaning as the policies are framed for welfare of the employees and also for the purposes that a better situation can be created for the employees so that he or she may live comfortably and render his or her best services to the employer.

Looking to the principles enunciated by the Apex Court in various matters of transfers, I am not inclined to interfere

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 3 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

in this matter at this stage. I deem it proper to issue a direction to the respondents to consider the representation of the petitioner on all the grounds referring to the clauses of policy and pass a reasoned order on the same.

The petitioner is directed to file a representation within a period of 10 days from today before the competent authority and the competent authority is directed to decide the same as early as possible preferably within a period of 1 month form the date of filing/receipt of the said representation.

Looking to the facts and circumstances of the case it is hereby directed that the impugned order of transfer dated 22.6.2005, so far as it relates to the petitioner, shall be kept in abeyance for the period of 6 weeks from today.

Certified copy as per rules.

Sd/-
Sunil Kumar Sinha
Judge